

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: METHYL TERTIARY BUTYL ETHER
("MTBE") PRODUCTS LIABILITY LITIGATION

HOPE KOCH, et al.)
)
 Plaintiffs,)
) Civil Action
 v.) No. 05-cv-05745
) (SAS)
 JOHN R. HICKS, et al.,) Master File
) No: 1:00-1898
 Defendants.) MDL 1358 (SAS)

Videotape deposition of TIMOTHY C. STEVENS
taken pursuant to notice at the law offices of
Venable, LLP, Two Hopkins Plaza, Suite 1800,
Baltimore, Maryland, beginning at 9:17 a.m. on Monday,
June 12, 2006, before Kathleen White Palmer,
Registered Merit Reporter and Notary Public.

APPEARANCES:

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MARY V. KOCH, ESQUIRE
LAW OFFICES OF PETER G. ANGELOS, P.C.
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-and-

MARSHALL PERKINS, ESQUIRE
LAW OFFICES OF CHARLES J. PIVEN, P.A.
401 East Pratt Street - Suite 2525
The World Trade Center - Baltimore
Baltimore, Maryland 21202
for the Plaintiffs

1 anything about him? I know there was -- there was gas
2 in a repair station there. What were the discussions
3 about?

4 A. I don't remember. I think just the fact that
5 he owned it is all.

6 Q. I see. So he was just -- he was the person
7 that was Exxon? Is that a fair statement?

8 A. Yes.

9 Q. You indicated you put DryLock in your basement?

10 A. Yes.

11 Q. Did your basement leak?

12 A. It did, yes.

13 Q. It was damp then, so you put the DryLock in it?

14 A. Yes.

15 Q. Have you had your house tested for any kind of
16 mold?

17 A. I don't know, I think my wife would know. I
18 think we may have because I know it was a concern of
19 hers, but I don't -- I don't really recollect.

20 Q. She would know that information?

21 A. She would know, yeah. I personally don't think

1 we did. When I moved in, the basement wasn't
2 finished, so when I redid it, I did the DryLock
3 because the wall, one wall was a little bit damp.

4 Q. Understood.

5 Now, you've talked to us a little bit about
6 your neighbor, the Patricks. Did they tell you how
7 much they bought their house for?

8 A. Yeah. I believe it was 425. And that's -- and
9 I'm going off my memory.

10 Q. Okay. I think the public report reflects it
11 was like 449.

12 A. Okay.

13 Q. Does that --

14 A. It could be. Like I said, I don't -- he -- he
15 may have told me less to -- for whatever reason.

16 Q. But you would consider him to be one of the
17 potential members of the class that you're going to
18 represent?

19 A. I don't know. I don't know. I don't know if
20 he would be involved in that or not since he bought
21 the house after all this started. I don't know how

1 that would work. To my knowledge, he bought the house
2 with a filtering system in it and knew all this, you
3 know.

4 Q. So he had knowledge of what was going on?

5 A. Yeah. I'm -- I'm almost positive he had
6 knowledge of what was going on when he bought the
7 house.

8 Q. Do you know anyone who owns or works at
9 Walker's Garage?

10 A. No.

11 Q. What about Scarff's Market when it was in
12 operation?

13 A. No.

14 Q. Do you know anybody up here at that time?

15 A. No.

16 Q. Your neighbors, you indicated you didn't know
17 whether any of them had oil tanks or used oil to heat
18 their homes. What about their lawn --

19 A. I can't hear.

20 MR. SHELLENBERGER: Mr. Ishak, you're
21 fading on us here. You got to speak a little louder,

1 please.

2 MR. ISHAK: I'm sorry.

3 MR. SHELLENBERGER: That's okay.

4 BY MR. ISHAK:

5 Q. What about the lawn care of your neighbors, do
6 you know if your neighbors like own their own
7 tractors, have their own fuel for that? Do you see
8 that?

9 A. No. I -- I do know that one of my neighbors
10 two doors -- three doors up, he cuts my grass. I
11 don't know where he operates his business out of,
12 though.

13 Q. So he has a lawn business, then?

14 A. Yes, he has a lawn business.

15 Q. Does he keep all his equipment there?

16 A. I have no idea.

17 MR. ISHAK: I don't want to repeat
18 anything. I think Andrew covered the lion's share of
19 it. So I have no further questions at this time,
20 Counsel.

21 MR. SHELLENBERGER: I was going to ask a

EXHIBIT F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE: METHYL TERTIARY BUTYL ETHER :
("MTBE") PRODUCTS LIABILITY LITIGATION :
-----:

This document relates to: :
Hope Koch, et al. V. John R. Hicks, et al., :
No. 05-cv-05745-SAS :

-----X
Master File No. 1:00-1898

- MDL 1358 (SAS)

M21-88

The deposition via videotape of DRAKE ROCHE
was taken on Tuesday, June 20, 2006, commencing at
9:19 a.m., at the offices of Venable, LLP, Two
Hopkins Plaza, Suite 1500, Baltimore, Maryland
21201, before Alfred A. Betz, Notary Public.

Reported By: Alfred A. Betz, Court Reporter

believe I spoke with the gentleman.

Q. How about any of his employees or any of the employees there?

A. Beyond exchange of money, getting gas, I mean that type of conversation.

Q. Okay. Can you, based on your personal knowledge, then, describe to me in any way how he operated the station?

A. Are you getting at, I mean, was it a -- can you elaborate on that a little bit, sir? I mean, I can answer that if you want to. Could you sort of express to me what you mean by that a little more?

Q. Well, I mean did you see him mishandling fuel? Did he run a clean place? You can answer that in two, you can answer those two questions.

A. I'd say this: I didn't, in my times, the times I would go in there to get gas I didn't encounter what I would call any problems, you know, things being out of place, you know, anything to make it I guess difficult for me to get in there

and obtain gas for the vehicle, no, I wouldn't say that I saw that.

Q. Generally were the conditions from what you could see clean and well kept?

A. I would classify them as not unkempt from my perspective. I did not notice anything that would put him in that category.

Q. You have used the word, and if I'm misstating the word help me out, you seemed to use the word in your testimony that Mr. Hicks is attached to Exxon. Can you describe for me what you mean by that a little bit more?

A. I guess maybe another way to, or an additional way to say it would be that because -- we've got a couple elements here. One is that Exxon is the installation. It's Exxon's overall location, their gas, et cetera. And then the other component of that would be the actual person that runs that facility. And I think those two things inevitably are attached in any type of store like a gas station.

Q. Okay. But you don't know the level of the attachment or the nature of the attachment or any contractual relationship between them?

A. No, sir. It would just be my general understanding of an owner/manager with the gas station, with any gas station.

Q. Do you have any, are you just saying that generally or do you have some specific past knowledge about folks you knew who operated gas stations?

A. No. The way you put that, sir, I'd have to say general. No, I don't believe I know anybody specifically that runs a gas station.

Q. Okay. Going back again, you used the word that MTBE was allowed to emanate from the station. Do you have personal knowledge of that or are you relying on potential expert testimony about that?

A. I'm aware that, I've been made aware that that has happened and by the means that we've already discussed in here and I guess beyond that,

you know, the specifics that, the technical aspects of how that occurred I guess I wouldn't be the best person to speak to that.

Q. You'll be relying then on expert testimony to describe that?

A. For the technical aspects of that I would say yes, sir.

Q. And do you know in what form or how you are claiming the MTBE is being allowed to emanate from the station? Are we talking liquid, vapor? What are we talking here?

A. I guess my knowledge is that it has emanated in a form that can cause harm to the wells surrounding the Exxon. I mean, I guess I'm hesitating a little bit because I'm not a chemist so I wouldn't want to land on, you know, what mechanism or what form can cause the contamination. But what I would say is that I've been made aware that emanation from the gas station has caused the issue that brings us here today.

Q. And for the moment you've got two

defendants in this case. If you come to learn that there are other sources or alternate sources altogether do you know whether you as class representative do you have plans to expand the claim to include other defendants?

MR. SHELLENBERGER: Objection. You can answer if you know.

A. Yeah, I would say, sir, I for right now I mean my understanding is the source is as we've discussed and I think that, you know, should other things come up that are attached in that way I mean I wouldn't say that I wouldn't recognize that. I mean, I guess to say that I wouldn't take into consideration other information, I wouldn't want to sit here and say that. But I'm comfortable as we've discussed it today that the source is as we've discussed it.

Q. Is your answer done?

A. Yes, sir.

Q. Okay. I didn't want to cut you off.

MR. ISHAK: No further questions.

State of Maryland,
City of Baltimore, to wit:

I, Alfred A. Betz, a Notary Public of the State of Maryland, City of Baltimore do hereby certify that the within-named witness personally appeared before me at the time and place herein set out, and after having been duly sworn by me, according to law, was examined by Counsel. I further certify that the examination was recorded stenographically by me and this transcript is a true record of the proceedings.

I further certify that I am not of Counsel to any of the parties, nor an employee of Counsel, nor related to any of the parties, nor in any way interested in the outcome of this action. As witness my hand and Notarial Seal this 21st day of June, 2006.

Alfred A. Betz, Notary Public

My commission expires: 11/1/07

MR. BOLLAR: Any other questions from other counsel? Mr. Shellenberger, do you have any questions?

MR. SHELLENBERGER: No. Are we done?

MR. BOLLAR: We're done.

MR. SHELLENBERGER: You have a right to read and sign the deposition or you can waive that. I recommend that we read and sign.

A. Okay.

THE VIDEOGRAPHER: This ends videotape number 2. We're going off the record at 11:43.

(Proceedings concluded -- 11:43 a.m.)

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EXHIBIT G

Richard K. Spruill, Ph.D.

1 VOLUME II
2 IN THE UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 IN RE:
5 Methyl Tertiary Butyl:MDL NO. 1358(SAS)
6 Ether ("MTBE") :
7 Products Liability :
8 Litigation :

9 Hope Koch, et al., :
10 :
11 vs. : No. 05-CV-05745
12 : (SAS)
13 John R. Hicks, et al.:

14 MAY CONTAIN CONFIDENTIAL TESTIMONY

15 November 14, 2006

16 Continued Videotaped
17 Deposition of RICHARD K. SPRUILL, Ph.D.,
18 at the Hilton Greenville, 207 Greenville
19 Boulevard, Southwest, Greenville, North
20 Carolina, beginning at approximately
21 8:30 a.m., before Ann V. Kaufmann, a
22 Registered Professional Reporter,
23 Certified Realtime Reporter, Approved
24 Reporter of the U.S. District Court, and
a Notary Public of the Commonwealth of
Pennsylvania.

25 GOLKOW LITIGATION TECHNOLOGIES
26 1600 John F. Kennedy Boulevard
27 Four Penn Center, Suite 1210
28 Philadelphia, Pennsylvania 19103
29 (877) DEPS.USA

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1 aquifer -- again, I have not been
2 allowed to see the cores yet -- that
3 aquifer exists at variable depths: on
4 top of the hills at depths of 40 to 50
5 feet and it gets closer to the land
6 surface as you approach the drainages to
7 the north, south, east, and west. And
8 at half a mile or so from the top of
9 this hill, the water table or the top of
10 this aquifer, the saturated parts of
11 this aquifer may be 20 feet below the
12 land surface.

13 And this aquifer extends
14 potentially to great depth. This is a
15 very thick geological formation called
16 the Wissahickon. This is a late
17 pre-Cambrian geological formation that
18 has significant vertical thickness.

19 And I don't agree with an
20 earlier -- the earlier concept that was
21 put forward -- we certainly discussed
22 this -- that there are no fractures
23 below a certain depth. So this aquifer
24 has the potential to extend to

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1 significant depths below the land
2 surface, so it underlies the entire
3 area. And the saturated part of it is
4 variable in depth, deeper beneath the
5 land surface on the tops of hills and
6 closer to the land surface near
7 discharge areas.

8 Q. Understood. What is your
9 opinion, sir, in terms of the radius of
10 effect of the claim or what the
11 plaintiffs' claim was a leak at the
12 Exxon station?

13 How far out radius-wise are
14 you going to give an opinion should
15 the -- as part of this class?

16 A. Well --

17 MR. SHELLENBERGER: I object
18 as he has not completed that work at
19 this time and I don't believe that he is
20 in a position to give a complete and
21 final radius.

22 But go ahead and ask to the
23 extent that -- answer to the extent that
24 you can.

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1 THE WITNESS: Well, the
2 plume is at least as large as shown on
3 Exxon's consultant maps showing the
4 50 -- I think 50 and 100 microgram per
5 liter dissolved plume south of the
6 facility. I see no reason to assume
7 that it's any smaller than that north of
8 the facility.

9 But that's exactly what
10 we're trying to determine at this time.

11 BY MR. ISHAK:

12 Q. What was that distance that
13 you have preliminarily?

14 A. I'd have to refer to the
15 CSA, and I don't mind doing that.

16 MR. STACK: The witness, so
17 you know, Paul, is pulling the binder
18 out. He is complying by trying to find
19 the map.

20 If I could give you a
21 helpful hint, Richard, I would, but I'm
22 not sure I know exactly where that bad
23 boy is.

24 THE WITNESS: Me, neither.

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1 Yes, okay. I'm going to
2 just refer you, because I talked about
3 these minimal distances and these
4 initial contouring efforts, and so what
5 I'm referring to is Figure 22.

6 BY MR. ISHAK:

7 Q. Okay.

8 A. Prepared on 3/21/05. This
9 figure is called MTBE Distribution in
10 the Upper Unit and Middle Lower Unit
11 using Monitoring Wells, Domestic and
12 POET Influent Results, January 2005.

13 Q. Can you tell the distance?

14 A. Yeah, I'm getting to it.

15 This map shows, with two
16 different lines, a really pretty blue
17 line, dashed line, indicated as
18 estimated maximum extent of greater than
19 100 ppb in the upper unit.

20 And then in the almost
21 mauve color, an estimated maximum
22 greater of -- the estimated maximum
23 extent of greater than 100 ppb in the
24 middle lower unit, and so we show --

635

1 this map shows a greater extent in the
2 lower unit than the upper unit and that
3 extent is using the scale on the map.
4 And I'm going estimate for you.

5 Q. Sure.

6 A. Now I want you to have this
7 visual picture of me using my fingers as
8 a scale.

9 MR. STACK: Do you want to
10 use a piece of paper?

11 THE WITNESS: No, I want to
12 continue to use my fingers, because this
13 distance is about a perfect map distance
14 of 4 to 5 hundred feet out to the 100
15 ppb line.

16 And I just want to keep
17 emphasizing that I think that that is
18 beyond the minimum limit. That's an
19 ultra-minimum extent of the nature and
20 extent of contamination at this site,
21 and that isoconcentration lines of 1, 5,
22 10, 20 would be a welcome addition to
23 these kinds of studies, both south and
24 north of the highway.

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1 BY MR. ISHAK:

2 Q. So what was the distance,
3 actually? Did you say 4 to 5 hundred
4 feet?

5 A. I said 4 to 5 hundred feet
6 away from the approximate location, and
7 it's very approximate, the approximate
8 location of the tank pit to the south
9 only. No such lines have ever been
10 drawn to the north or I've not seen any
11 such lines drawn to the north on maps.

12 Q. In your --

13 MR. STACK: You broke up,
14 Paul.

15 MR. ISHAK: Oh, I'm sorry.

16 BY MR. ISHAK:

17 Q. In your work with the State
18 of North Carolina, have you ever dealt
19 with Colonial Pipeline?

20 A. No.

21 Q. Not at all?

22 A. No, not that I recall.

23 Now, there might be an intermediate
24 holding facility in the Greensboro area

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1 for Colonial Pipeline where there are
2 some above-ground tanks. It seems that
3 I do recall that, now that you mention
4 it.

5 Q. Okay. The exhibit marked
6 No. 2 that shows the houses with the
7 various results on that, but when I look
8 at that, I can't see anywhere on that
9 exhibit the existence of the Colonial
10 Pipeline as it travels through Harford
11 County for the transmission of parcel
12 property contaminated by Colonial
13 Pipeline.

14 Is that of any significance
15 to you, Doctor, that there's a
16 transmission line and actually a
17 transmission facility that actually
18 appear on what is Exhibit 2?

19 A. I think that the pipeline
20 actually shows up on Figure 2. Did I
21 hear you say you thought it didn't?

22 Q. Where do you believe it is
23 shown?

24 A. It is shown as two parallel

638

1 lines on the western side of the figure,
2 but I'm not sure that's it.

3 Obviously you can't see
4 where I'm pointing, but this is a
5 photocopy, obviously.

6 Q. Right.

7 A. Or maybe it's not on this
8 figure. Maybe I'm wrong about that.

9 I have not emphasized the
10 Colonial Pipeline because I find no
11 evidence for leaks in this pressurized
12 pipeline. You know, the petroleum in
13 this thing is pressurized, that's how
14 you transport it from one location to
15 another. If a leak develops in it, I
16 think people are going to know about it
17 pretty soon.

18 And I find no evidence of
19 any specific spots on the pipeline in
20 this area in the literature that I have
21 looked at that would indicate that that
22 pipeline is leaking.

23 In addition, it is pretty
24 far to the west of the -- of what I

EXHIBIT H

Richard K. Spruill, Ph.D.

1 IN THE UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 IN RE:
4 Methyl Tertiary Butyl:MDL NO. 1358(SAS)
5 Ether ("MTBE") :
6 Products Liability :
7 Litigation :

8 -----
9 Hope Koch, et al., :
10 :
11 :
12 vs. : No. 05-CV-05745
13 : (SAS)
14 John R. Hicks, et al.:

15 MAY CONTAIN CONFIDENTIAL TESTIMONY
16 -----

17 November 13, 2006
18 -----

19 Videotaped Deposition of
20 RICHARD SPRUILL, Ph.D., at the Hilton
21 Greenville, 207 Greenville Boulevard,
22 Southwest, Greenville, North Carolina,
23 beginning at approximately 8:30 a.m.,
24 before Ann V. Kaufmann, a Registered
25 Professional Reporter, Certified
26 Realtime Reporter, Approved Reporter of
27 the U.S. District Court, and a Notary
28 Public of the Commonwealth of
29 Pennsylvania.

30 -----
31 GOLKOW LITIGATION TECHNOLOGIES
32 1600 John F. Kennedy Boulevard
33 Four Penn Center, Suite 1210
34 Philadelphia, Pennsylvania 19103
35 (877) DEPS.USA

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1 complained prior to 2004 of the taste or
2 odor of the water in their well?

3 **A. No.**

4 **Q.** As part of your work in
5 this case did you perform any analysis
6 to develop data to indicate how many
7 residents living in the greater Fallston
8 area around the Exxon station registered
9 any subjective complaints about the
10 quality of their well water before 2004?

11 **A. I didn't do any analysis.**

12 **Q.** Based upon the work that
13 you did in preparing your affidavit, can
14 you state an opinion to a reasonable
15 degree of scientific certainty that
16 greater than 40 of the residents living
17 in the vicinity of the Fallston
18 Crossroads Exxon had MTBE in their
19 private wells greater than 10 parts per
20 billion?

21 **A. You are going to have to**
22 **repeat that question. I'm really sorry.**

23 **Q.** That's quite all right.

24 **A. I got off on a tangent.**

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1 **Q.** That's quite all right.

2 **A. I've got to go back to the**
3 **charts.**

4 **Q.** Sure.

5 **A. Go ahead.**

6 **Q.** Based on the work that you
7 performed in this case, can you state an
8 opinion to a reasonable degree of
9 scientific certainty that greater than
10 40 residents in Fallston living in the
11 vicinity of the Crossroads Exxon have
12 MTBE in their private wells at
13 concentrations greater than 10 parts per
14 billion?

15 **A. Again, I've not done a**
16 **synopsis like that in which I break out**
17 **the number of people who were exposed to**
18 **1, 10, 20, 40 because that's not the way**
19 **I think when I do groundwater hydrology.**

20 **My task has really not**
21 **been -- I have not been directed to do**
22 **that. I have not thought about doing**
23 **that specifically, because I think that**
24 **any concentration of this material is**

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1 **onerous and should be dealt with. And**
2 **so I simply have not compiled the kinds**
3 **of subdivision of levels of contaminants**
4 **that could have impacted or that have**
5 **impacted individual homes, nor do I**
6 **believe that every home in the area has**
7 **been properly sampled.**

8 **There are places within the**
9 **area that could be impacted by this**
10 **contamination that have not been**
11 **sampled. So I think we have an**
12 **incomplete data set. And I'm certainly**
13 **interested in looking at the completed**
14 **data set in terms of impact, but I**
15 **haven't spent any time at all,**
16 **Mr. Stack, trying to subdivide the**
17 **levels of contaminants that show up in**
18 **these wells on the basis of ranges of**
19 **concentrations.**

20 **Q.** With respect to the
21 sampling that took place and is depicted
22 on the map we marked as Exhibit No. 2,
23 do you know how many homes depicted on
24 that map had no sampling results

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1 reported?

2 **A. Is this No. 2?**

3 **Q.** Yes, sir. I believe it
4 is. I'm just making sure it doesn't
5 slide and it started to. I apologize.

6 **A. How many homes in this area**
7 **have no sampling results?**

8 **Q.** Correct.

9 **A. Large numbers.**

10 **Q.** And with respect to your
11 comment that there are homes for which
12 there's been insufficient sampling or no
13 sampling, are there particular areas
14 where you believe that sampling has not
15 occurred and should occur in order to
16 ascertain the extent of contamination in
17 the area?

18 **A. Yeah, there are.**

19 **Q.** Can you identify them by
20 street name in looking at that map?

21 **A. Well, I'd kind of do it as**
22 **a broad brush here because something**
23 **we're working on now is defining this,**
24 **what I'd call this groundwater region.**

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1 I would look at homes in
2 the vicinity of Choate, C-H-O-A-T-E,
3 Road. I think that would be a very
4 interesting area to see if there's
5 contamination.

6 Further north on Baldwin
7 Road I think there are some residences.
8 I'd be concerned about them and maybe
9 the lack of sampling there.

10 There are further homes
11 west on Fallston Road and not far from
12 Fallston Road in the vicinity of
13 Rutledge Road that I think should be
14 sampled.

15 It seems to me there are a
16 fairly large number of homes in the
17 Tally Ho Drive area, the Kelso Court
18 area, and the Preakness Drive area that
19 probably haven't been sampled. So I
20 would say there's a pretty large number
21 of homes in different quadrants that
22 have not been sampled.

23 Q. Have you ever attempted to
24 estimate the number of homes in the

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1 A. No. But I had just a
2 general opinion that not enough homes
3 had been sampled in order to define the
4 plume and write a comprehensive site
5 assessment.

6 Q. With respect to the work
7 that you have undertaken after your
8 affidavit was authored, can you estimate
9 for us the number of homes which you
10 believe lie within a mile and a half of
11 the Exxon station but for which there's
12 no sampling of the well to indicate
13 whether MTBE is present?

14 A. The number is tens of
15 homes, but I do not know the exact
16 number.

17 Q. And with regard to the data
18 that you had in front of you, I believe
19 there are reported 134 homes which are
20 nondetect; is that correct?

21 A. It depends on which data
22 set you look at. But the comprehensive
23 May '04 to January '05 data set 134 out
24 of 360 have nondetect.

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1 areas you have identified -- the Choate
2 Road, Baldwin Road area north, west on
3 Fallston Road near Rutledge Road, Tally
4 Ho Drive, Kelso Court, and Preakness
5 Drive -- the total number of homes which
6 are within a mile and a half of the
7 Exxon station but for which we have no
8 sampling results?

9 A. Did you ask me if I ever
10 attempted to compile that number?

11 Q. Just estimate it, yes,
12 sir.

13 A. I think that something
14 we're working on is more defining the
15 area where there could be further
16 contamination; and sampling hasn't been
17 performed, but that's an ongoing thing
18 at GMA.

19 Q. With respect to the work
20 that you did prior to your affidavit,
21 had you completed work at that time to
22 ascertain how many homes within a mile
23 and a half had not been sampled but
24 should be sampled?

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1 Q. Are there as many as 134
2 homes within a mile and a half of the
3 Exxon station for which we have no test
4 results?

5 A. There very well may be.

6 MR. STACK: I have been
7 advised that we have about two minutes
8 remaining on the tape, so we're going to
9 take a break --

10 THE WITNESS: Good.

11 MR. STACK: -- to let the
12 videographer change the tape and --

13 THE WITNESS: Can I run to
14 the restroom?

15 MR. STACK: -- otherwise
16 take care of Mother Nature.

17 THE WITNESS: Okay. I'm
18 ready. Thank you.

19 THE VIDEOGRAPHER: That
20 marks the end of Tape No. 2 of Richard
21 Spruill, Ph.D. Going off the record.
22 The time is 13:46.

23 (Recess.)

24 THE VIDEOGRAPHER: Back on

EXHIBIT I

Richard K. Spruill, Ph.D.

1 VOLUME II
2 IN THE UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 IN RE:
5 Methyl Tertiary Butyl:MDL NO. 1358(SAS)
6 Ether ("MTBE") :
7 Products Liability :
8 Litigation :

9 Hope Koch, et al., :
10 :
11 vs. : No. 05-CV-05745
12 : (SAS)
13 John R. Hicks, et al.:
14 :
15

16 MAY CONTAIN CONFIDENTIAL TESTIMONY
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22 :
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24 :
November 14, 2006

Continued Videotaped
Deposition of RICHARD K. SPRUILL, Ph.D.,
at the Hilton Greenville, 207 Greenville
Boulevard, Southwest, Greenville, North
Carolina, beginning at approximately
8:30 a.m., before Ann V. Kaufmann, a
Registered Professional Reporter,
Certified Realtime Reporter, Approved
Reporter of the U.S. District Court, and
a Notary Public of the Commonwealth of
Pennsylvania.

GOLKOW LITIGATION TECHNOLOGIES
1600 John F. Kennedy Boulevard
Four Penn Center, Suite 1210
Philadelphia, Pennsylvania 19103
(877) DEPS.USA

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1 perceive to be some of the hot spots in
2 the subsurface with respect to MTBE.
3 And based on my knowledge of groundwater
4 flow patterns at this time south of the
5 highway and my evolving knowledge north
6 of the highway, I don't see how
7 contamination could emanate from this
8 pipeline and affect the properties that
9 we've been discussing for the last two
10 days.

11 Q. Okay. If I told you that
12 the two parallel lines that you are
13 looking at on Exhibit 2 isn't the
14 actual --

15 A. Yeah, I hedged on that
16 because I didn't see it labeled as a
17 pipeline, so I couldn't tell whether it
18 is or not.

19 Q. I would tell you, just for
20 the sake of our questioning and
21 answering, that that is not the Colonial
22 Pipeline, that it actually goes in a
23 different location.

24 A. Okay.

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1 Q. But your answers remain the
2 same? You just don't have any evidence
3 of a Colonial Pipeline --

4 THE COURT REPORTER: Of a
5 what -- I'm sorry. You are breaking up.

6 MR. STACK: The noise in the
7 room is cutting out the mic, that's what
8 it is.

9 BY MR. ISHAK:

10 Q. I will ask it again.

11 Doctor, I think that the
12 parallel lines that appear on Exhibit 2,
13 if I told you that is not where the
14 Colonial Pipeline is, that doesn't
15 necessarily matter to you because you
16 don't have any evidence that there are
17 any kind of leaks in the Colonial
18 Pipeline; is that a fair assessment of
19 where your opinion is?

20 A. That's a fair assessment of
21 my opinion.

22 Q. And the presence of a gas
23 transmission facility in Harford County
24 that could appear on Exhibit 2, that

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1 doesn't affect your opinion, either?

2 A. If that particular gas line
3 were parallel with Baldwin Mill Road and
4 it has a history of documented release
5 or something, I certainly would be
6 interested in knowing.

7 Q. Okay.

8 A. But since it is west of
9 this location and I can find no history
10 that documents a release of product from
11 this line, I won't say I'm not worried
12 about it, but -- I will have concern
13 about it, but until I can find data that
14 suggests there is a release, I can't do
15 much with it.

16 Q. All right. If I told you
17 that that facility is located along
18 Rutledge Road, which I believe you
19 indicated that you would like to see
20 some further testing in that area, that
21 you're indicating that might that change
22 your opinions?

23 MR. SHELLENBERGER: Can you
24 tell us where Rutledge Road is a

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1 little --

2 MR. ISHAK: It's north of
3 Fallston Road.

4 THE WITNESS: Rutledge Road
5 is here. Here is Rutledge Road.

6 I'm still not convinced --

7 I'm not certain of whether or not that
8 is the location of the pipeline. I
9 suspect it is. There are two parallel
10 lines right here, and so they are
11 roughly in the position of Rutledge Road
12 about 300 feet north of the intersection
13 of Rutledge Road with Fallston Road.

14 And so I will stand by my
15 statement that we need analyses of
16 groundwater in these areas to the west,
17 we need head measurements in these
18 areas, we need to figure out which way
19 groundwater is flowing and we need to
20 see if any contamination that shows up
21 in these locations is consistent with
22 any known sources of contamination.

23 BY MR. ISHAK:

24 Q. Do you have an opinion at

EXHIBIT J

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
HARFORD COUNTY
Real Property Data Search

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Account Identifier: District - 04 Account Number - 076060

Owner Information

Owner Name: COLUMBIA GAS TRANS CORP Use: COMMERCIAL
Principal Residence: NO
Mailing Address: PO BOX 10146 Deed Reference: 1) / 1161/ 100
FAIRFAX VA 22030-8046 2) / 1161/ 103

Location & Structure Information

Premises Address
2220 RUTLEDGE ROAD
FALLSTON 21047

Legal Description
LOT 1 29.468 AC
2220 RUTLEDGE ROAD
COLUMBIA GAS PT 77/5

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	77005
39	3A	28					1	1	Plat Ref:	

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		29.46 AC	
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	0	0		
Improvements:	0	0		
Total:	0	0	0	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: RUTLEDGE CHARLES C ET AL	Date: 04/20/1982	Price: \$115,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 1161/ 100	Deed2: / 1161/ 103
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

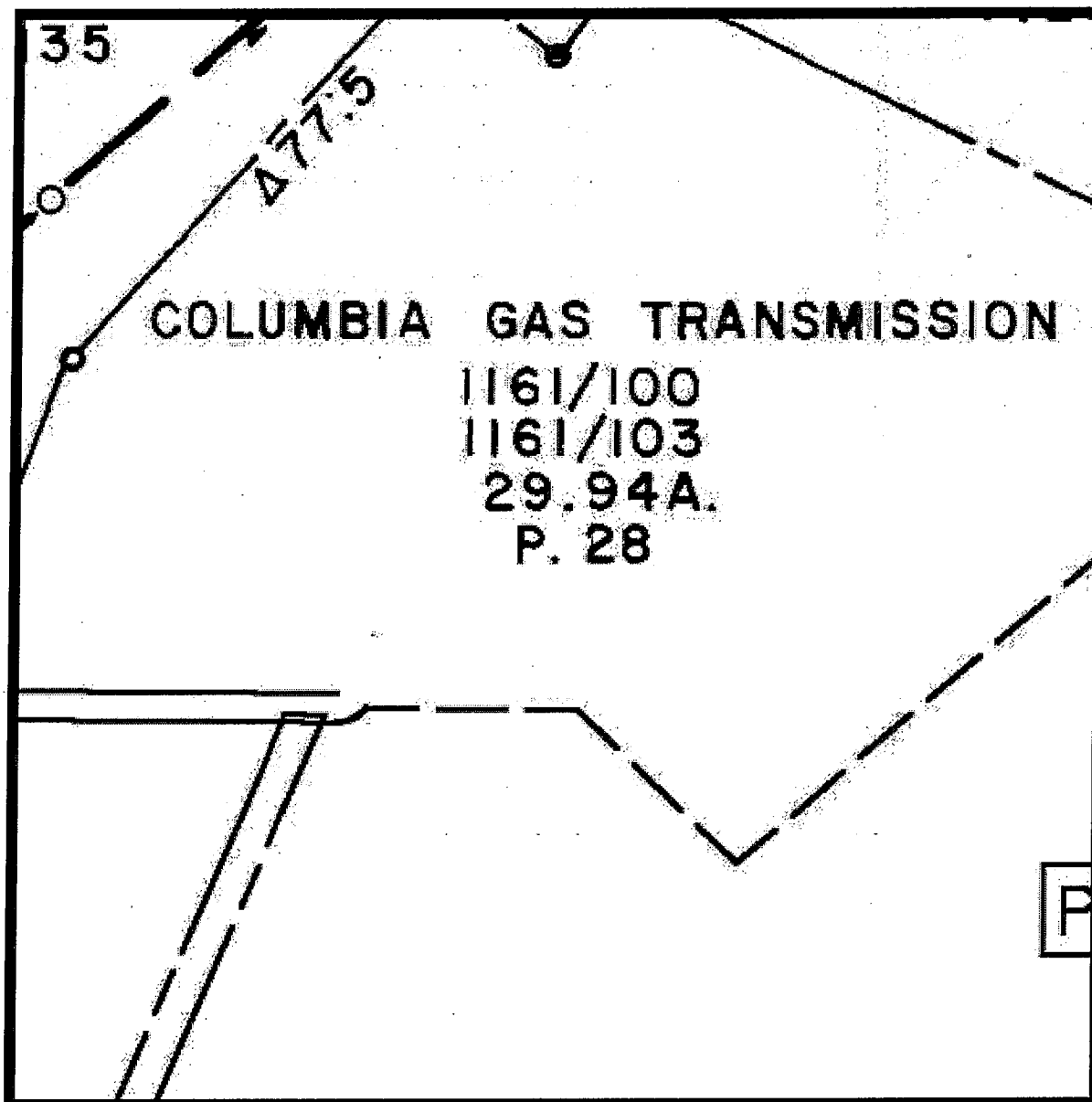
* NONE *



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District - 04 Account Number - 076060



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web site at www.mdp.state.md.us/webcom/index.html

